



**BHAGWAN MAHAVIR UNIVERSITY**

**Effective From  
(2023-2024)**

**Bhagwan Mahavir College of Legal Education**

**BBA LL.B course (5 Year)**

**Semester: IX**

Subject Code	Subject Title	Teaching Scheme					
		(Hours/Week)		Credits	Examination Marks		Total Marks
		Theory	Tutorial		Internal	External	
1BL358T	Alternative Dispute Resolution	4	0	4	50	50	100

**DURATION OF EXAM: 2:30 HOURS**

**COURSE OBJECTIVES:**

<ul style="list-style-type: none"><li>To create awareness about the importance of ADR methods.</li></ul>
<ul style="list-style-type: none"><li>To trace the growth, development, and importance of ADR movement in India.</li></ul>
<ul style="list-style-type: none"><li>To explain primary methods under the alternative dispute resolution methods and their functions.</li></ul>
<ul style="list-style-type: none"><li>To provide a good basic knowledge of ADR methods - Arbitration, Mediation &amp; Negotiation.</li></ul>
<ul style="list-style-type: none"><li>At the end students should have the ability to conduct negotiations and simple mediations, and should have developed effective techniques for autonomous learning and problem-solving, which can be applied in both their professional and personal lives.</li></ul>

**Chairman - BOS**

**Dean- Academics**

**Registrar**

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**COURSE OUTCOMES:**

Sr. No.	CO statement	Marks % Weightage
1	To recognize of pending litigation in Indian Courts.	20
2	To understand the origin and importance of ADR mechanism like Arbitration, Negotiation, Mediation, Conciliation, etc	20
3	To interpret and analyze judicial decisions pertaining to ADRs.	20
4	To interpret and analyze provisions of legislations pertaining to ADRs.	20
5	To analyze the emerging trends in Alternative Dispute Resolution.	20

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**DETAIL CONTENT**

Sr.No.	Topic	Total Hrs.
<b>UNIT-1</b>	<b>1. ALTERNATIVE DISPUTE RESOLUTION</b> 1.1 Meaning, Object and importance 1.1.1 Arbitration, Conciliation and Mediation 1.1.2 Distinction between Arbitration, Conciliation and Mediation 1.2 Arbitration: Meaning and Scope 1.3 Arbitration Agreement 1.3.1 Essentials, Kinds of Arbitration Agreements 1.3.2 Who can enter into Arbitration Agreement 1.3.3 Validity and reference to Arbitration 1.4 Arbitration Tribunal 1.4.1 Appointment of the Arbitration Tribunal 1.4.2 Grounds for challenge 1.4.3 Procedure of the Tribunal 1.4.4 Time, Place and Language of Hearing 1.4.5 Statement of Claim and defence, counter claim and other proceedings 1.4.6 Jurisdiction and Powers of the Tribunal	<b>15</b>
<b>UNIT-2</b>	<b>2. ARBITRATION AWARD</b> 2.1 Rules of Guidance 2.2 Forms and Content of the Arbitration Award 2.3 Settlement through ADR 2.4 Interim Award, Award of interest by Arbitrator 2.5 Requirements of Valid Award 2.6 Correction and interpretation of Award 2.7 Grounds for setting aside the Award 2.7.1 Incapacity of the Party 2.7.2 Invalidity of Arbitration Agreement 2.7.3 Want of proper notice and hearing 2.7.4 Contravention of composition and procedure 2.7.5 Breach of conviviality 2.7.6 Impartiality of the arbitrator 2.7.7 Bar of limitation, res Judicata 2.7.8 Consent of parties 2.8 Termination Proceedings 2.9 Powers of Arbitrators	<b>15</b>

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<b>UNIT-3</b>	<b>3. ENFORCEMENT OF THE FOREIGN AWARD AND MISCELLANEOUS</b>  3.1 Foreign Award, International and Commercial Arbitration : Essentials 3.2 Choice of place and proper law of arbitration 3.3 Enforcement of Foreign Awards : Procedure and essentials 3.3.1 New York Convention Awards 3.3.2 Geneva Convention Awards 3.4 Conciliation, Conciliators : Number and qualifications, appointment procedure 3.5 Principles of Conciliation Procedure, Procedure, Settlement, Restrictions on the role of conciliators, Termination of Conciliation proceedings 3.6 Provisions of Appeal and Revision 3.7 Rule making powers of High Courts and Central Government	<b>15</b>
<b>UNIT-4</b>	<b>4. ADR SYSTEMS</b>  4.1 ADR Systems, Needs for ADR, Legal Services Authority Act, 1987 4.2 National Legal Services Authority – Its Composition and Functions and the Role of CILAS 4.3 State Legal Services Authority – Its Composition and Functions, Entitlement to Legal Services 4.4 Lok Adalat, Composition, Powers Jurisdiction, Procedure, Award of Lok Adalat	<b>15</b>



**REFERENCE BOOKS:**

- Avtar Singh, Law of Arbitration and conciliation and Alternative Dispute Resolution, Eastern Book Company
- Dr. S. C. Tripathi, Alternate Dispute System (ADR), Central Law Publication
- Dr. S. K. Roychowdhary & H. K. Saharay, Arbitration & Conciliation, Eastern Law House
- Sukumar Ray, ADR, Eastern Law House
- S. K. Chawla, Law of Arbitration & Conciliation including other ADRs, Eastern Law House
- Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, Universal Law Publishing Co., New Delhi
- P. K. Basu Majumdar, Law of Arbitration, Universal Law Publishing Co., New Delhi
- B.P. Saraf and M. Jhunjhunwala, Law of Arbitration and conciliation, Snow white, Mumbai.
- Gerald R. Williams (Eds), the New Arbitration and Conciliation Law of India, Indian Council of Arbitration New Delhi.
- A.K. Bansal, Law of International Commercial Arbitration, Universal, Delhi.
- P.C. Rao & Willam Sheffield, Alternative Disputes Resolution - What it is and how it works? Universal, Delhi.
- G.K. Kwatra, the Arbitration and Conciliation Law of India, Universal Delhi.
- Basu N.D. Law of Arbitration and Conciliation, Universal Delhi.
- Johari, Commentary on Arbitration and Conciliation Act, 1996, Universal, Delhi.
- Dr. S. R. Myneni, Alternate Dispute Resolution, Asia Law House
- Dr. U. Pattabhi Ramiah, Arbitration & ADR, Asia Law House
- Dr. N. V. Paranjape, Arbitration & Alternative Dispute Resolution, Central Law Agency

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